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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**



15 JONATHAN MACARTHUR,
16
17 Plaintiff,

Case No.: 2:10-cv-01173-JCM-PAL

18 v.

19 LAS VEGAS METROPOLITAN
20 POLICE DEPARTMENT,
21 a political subdivision of the STATE OF
22 NEVADA; OFFICER PAUL QUINTEROS
23 P# 9055 individually and in his capacity as
24 a police officer employed by the LAS VEGAS
25 METROPOLITAN POLICE DEPARTMENT;
26 DOE OFFICERS I through X, inclusive
27 and JOHN DOES I through X, inclusive.

28 Defendants.

DISCOVERY PLAN AND SCHEDULING ORDER

29 COMES NOW, the Plaintiff, JONATHAN MACARTHUR, by and through his counsel,
30 CAL J. POTTER, III, ESQ. and JOHN C. FUNK, ESQ. of POTTER LAW OFFICES; Defendants
31 by and through their counsel THOMAS D. DILLARD, ESQ. of OLSON, CANNON, GORMLEY
32 & DESRUISSEAU, and hereby submits this Discovery Plan and Scheduling Order:

1 1. Meeting. Pursuant to FRCP 26(f) and LR 26-1(a), a meeting was conducted on
2 Thursday, November 18, 2010, and was attended telephonically by: Cal J. Potter, III, Esq.
3 counsel for Plaintiff and Thomas Dillard, Esq. for Defendants.
4

5 2. Pre-Discovery Disclosures. Plaintiff provided his disclosure on November 18,
6 2010. Defendants provided their Initial Disclosure on November 16, 2010.

7 3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

8 (a) Subject of Discovery. Discovery will be needed on the following subjects:

9 All claims set forth in original Complaint, as well as the defenses relevant to the
10 action.
11

12 (b) Discovery Cut-Off Date(s): Subject to paragraph 4(j) below, discovery will
13 take 180 days, measured from Thursday, November 18, 2010. All discovery must be
14 commenced in time to be completed by ***Tuesday, May 17, 2011.***

15 (c) FRCP 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed as
16 follows: Plaintiff and Defendants shall disclose their experts to each other at least sixty (60)
17 days before the discovery cut-off date, which is by ***Friday, March 18, 2011.*** Plaintiff and
18 Defendants shall disclose their rebuttal experts at least thirty (30) days after the initial date
19 for disclosure of experts by ***Monday, April 18, 2011.*** Further each party agrees to make their
20 experts available for deposition, and facilitate same, prior to discovery cut-off.
21
22

23 4. Other Items.

24 (a) Interim Status Reports. The parties shall file an interim status report no later
25 than ***Friday, March 18, 2011.*** The undersigned counsel certify that they have read
26 LR 26-3 and that this date is not later than sixty (60) days before the discovery cut-
27 off date requested. In addition the parties will be disclose an additional report at a
28

1 latter date.

2 (b) Interrogatories and Depositions. The parties agree to the customary total
3 number of interrogatories of 25 per party; the parties may agree to more
4 interrogatories by mutual agreement or application to the Court. The parties also
5 agree to no more than ten (10) depositions by Plaintiff and no more than ten (10)
6 depositions by Defendants as provided in Rule 30(a)(2)(A)(i). However, the
7 parties may agree to more depositions by mutual agreement or application to the
8 Court.
9

10 (c) Amending the Pleadings and Adding Parties. The parties have until
11 ***Wednesday, February 16, 2011*** to file any motions to amend the pleadings or to add
12 parties. This is ninety-one (91) days prior to the discovery cut-off date and does not
13 exceed the outside limit that LR 26-1 (e)(2) presumptively sets of ninety (90) days
14 before the discovery cut-off date of filing such motions.
15

16 (d) Settlement. See paragraph 4(j) below.

17 (e) Court Conference. The parties do not request a conference with the
18 Court before entry of the scheduling order.
19

20 (f) Later Appearing Parties. A copy of this discovery plan and scheduling order
21 shall be served on any person served after it is entered, or, if additional defendants
22 should appear, within five (5) days of their first appearance. This discovery plan and
23 scheduling order shall apply to such later-appearing parties, unless the Court, on
24 motion and for good cause shown, orders otherwise.
25

26 (g) Dispositive Motions. The parties shall have until ***Wednesday, June 15, 2011***
27 to file dispositive motions. This is twenty-eight (28) days after the discovery cut-off
28

date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

(h) Pretrial Order. The pretrial order shall be filed by ***Thursday, July 14, 2011***, which is twenty-eight (28) days and not more than thirty (30) days after the date set for filing dispositive motions in the case. This date is suspended if the dispositive motions are timely filed. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(k) Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the discovery cut-off date and comply fully with LR 26-4, which is on or before ***Tuesday, April 26, 2011***.

(j) Other Discovery Information as Discussed at the 26(f) Conference. The parties agree to the following: None at this time.

Activity	Date
Amend Pleadings	Wednesday, February 16, 2011
Interim Status Report	Friday, March 18, 2011
Disclose Experts	Friday, March 18, 2011
Rebuttal Experts	Monday, April 18, 2011
Extension of Discovery Cut-off	Tuesday, April 26, 2011
Discovery Cut-Off Date	Tuesday, May 17, 2011
Dispositive Motions	Wednesday, June 15, 2011
Pretrial Order	Thursday, July 14, 2011

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1 APPROVED AS TO FORM AND CONTENT.

2 DATED this 10th day of December, 2010.

DATED this 10th day of December, 2010.

3 POTTER LAW OFFICES

4 OLSON, CANNON, GORMLEY &
5 DESRUISSEAU

6 By: /s/ Cal J. Potter, III, Esq.

By: /s/ Thomas D. Dillard, Esq.

7 CAL J. POTTER, III ESQ.

THOMAS D. DILLARD, ESQ.

8 Nevada Bar No. 1988

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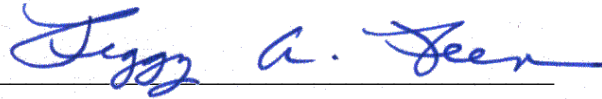
Attorney for Defendants

12 Las Vegas, Nevada 89102

13 *Attorneys for Plaintiff*

14 DATED this 14th day of December, 2010.

15 It is so Ordered:

16 

17 U.S. District Court Magistrate Judge